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Request for the inclusion of an item in the provisional agenda of the sixty-first session

The rule of law at the national and international levels

Letter dated 11 May 2006 from the Permanent Representatives of Liechtenstein and Mexico to the United Nations addressed to the Secretary-General

We have the honour to request, pursuant to rule 13 of the rules of procedure of the General Assembly, the inclusion in the provisional agenda of the sixty-first session of the General Assembly of an item entitled "The rule of law at the national and international levels".

In view of the legal nature of the issue, we believe it would be appropriate to allocate the item to the Sixth Committee of the General Assembly.

Pursuant to rule 20 of the rules of procedure of the General Assembly, this request is accompanied by an explanatory memorandum as an annex to the present letter.

(*Signed*) Ambassador Enrique **Berruga**
Permanent Representative of Mexico to the United Nations

(*Signed*) Ambassador Christian **Wenaweser**
Permanent Representative of Liechtenstein to the United Nations

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Explanatory memorandum

1. At the 2005 World Summit, the Heads of State and Government of Member States gave strong political support for the strengthening of the rule of law worldwide. The Summit Outcome (General Assembly resolution 60/1) explicitly recognized "the need for universal adherence to and implementation of the rule of law at both the national and international levels", complemented by a number of concrete commitments aimed at strengthening the rule of law. The concept of the rule of law effectively permeates the Summit Outcome as a whole. It is considered a crucial component for the realization of a number of goals, such as sustained economic growth, sustainable development and the eradication of poverty and hunger. It is also recognized as a goal in itself, which is essential for the peaceful coexistence and cooperation among States.

2. The international and national dimensions of the rule of law are strongly interlinked. The international legal order serves not only as a framework for peaceful relations and source of rights and obligations for States and other actors, but also as a source of inspiration for the development of national legal standards, in particular in the field of human rights. The strengthening of the rule of law at the international level thus has a direct impact on the rule of law at the national level.

3. Despite the importance attached to the concept of the rule of law in the Summit Outcome, however, the United Nations still lacks the appropriate tools to promote it in a coherent manner, especially with regard to its international dimension. There is a need to improve analysis of the current state of the rule of law worldwide, discuss in greater depth existing shortcomings and formulate possible solutions, and improve coordination of the respective work of the United Nations, such as in the field of technical assistance.

4. In the light of the pre-eminence of international law in international relations and in order to follow-up the commitment given at the World Summit, the United Nations must develop ways to strengthen the concept of the rule of law and to promote cooperation and coordination for its implementation.

5. The General Assembly has contributed much to the strengthening of the rule of law at the international level, in particular through the work of the Sixth Committee and the International Law Commission in the field of progressive development of international law and its codification. But while much attention has been paid to the development and codification of international law in a number of specific areas, these efforts are not within a coherent global framework for the rule of law. It is therefore suggested that the General Assembly be given the opportunity to consider the issue of the rule of law in a comprehensive and coherent manner. The first step towards that goal would be the inclusion of the respective item in the agenda of the General Assembly.

6. Future debates under this item should ideally be based on a comprehensive report by the Secretary-General. The report could analyse the concept and current status of the rule of law and provide information on all treaty actions and other relevant developments thereon (by providing, inter alia, regular information on

reservations to treaties of which the Secretary-General is the depositary, and on their withdrawal). The report could further describe all activities of the United Nations system in this field, including good offices, mediation and dispute settlement (including efforts to facilitate access to international justice and compliance with judgements rendered by international courts), and in particular all related capacity-building activities. Finally, the report could propose ways and means to strengthen the rule of law, in particular through action to be taken by the General Assembly and the Secretary-General (e.g., requests for advisory opinions).

7. Emphasis is placed, in this context, on the international dimension of the rule of law. In recent years, the United Nations has greatly improved its tools aimed at strengthening the rule of law at the national level, in particular in post-conflict situations. The Security Council paid considerable attention to this issue. The Peacebuilding Commission constitutes another forum to address rule-of-law issues at the national level. With regard to the international level, however, a considerable gap remains. The General Assembly, as the United Nations chief deliberative, policymaking and representative organ, with its central role in the area of development and codification of international law, is uniquely positioned to fill that gap and to promote universal adherence to the concept of the rule of law, in particular at the international level.

8. For the foregoing reasons, Liechtenstein and Mexico are requesting the inclusion of an additional item in the agenda of the sixty-first session of the General Assembly entitled "The rule of law at the national and international levels".